

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Jorge Daniel Jimen  z Blancarte,

Petitioner. Case No. 19-13189

v.

Luna Elizabeth Ponce Santamaria,

Judith E. Levy
United States District Judge

Respondent.

Mag. Judge David R. Grand

/

ORDER FOR PRELIMINARY INJUNCTION [7]

This is an international child abduction case brought under the Hague Convention and its implementing statutes, the International Child Abduction Remedies Act (ICARA). 42 U.S.C. §§ 11601-11611. On November 4, 2019, the Court granted emergency equitable relief. (ECF No. 5.) Pursuant to Federal Rule of Civil Procedure 65(b)(3), the Court held a hearing for preliminary injunction on November 13, 2019. (ECF No. 15.) For the reasons stated on the record, the Court transforms its temporary injunction into an ongoing preliminary injunction until the resolution of this case on the merits.

At the hearing, counsel for Respondent requested 45 days to prepare for an evidentiary hearing. The Court initially set a hearing date for November 25. However, resolution of this case requires this Court to employ “the most expeditious procedures available.” Hague Convention on the Civil Aspects of International Child Abduction, Article 2, Oct. 25, 1980, T.I.A.S. No. 11670, 1343 U.N.T.S. 89. The Sixth Circuit has recognized the “emergency nature of these cases” requiring “a speedy and immediate solution.” *March v. Levine*, 249 F.3d 462, 475 (6th Cir. 2001). Indeed, district courts are not required to hold evidentiary hearings or allow discovery. *Id.* at 474. Because of the issues raised by the parties with respect to grave risk of harm, this Court will hold an evidentiary hearing, but the hearing will be rescheduled for Tuesday, November 19, at 10:00AM.

The Court continues the appointment of MIRIAM Z. WOLOCK as ongoing guardian ad litem for the children, DANIELA LIZETH JIMENÉZ PONCE and ANA VIOLETA JIMENÉZ PONCE.

It is ORDERED that Petitioner and Respondent share the costs of the guardian ad litem.

It is ORDERED that Petitioner and Respondent remain within the Eastern District of Michigan along with his children until the final resolution of this case. It is ORDERED that counsel for Petitioner maintain possession of Petitioner's passport. It is ORDERED that counsel for Respondent maintain possession of Respondent's passports and the passports of the parties' children.

Upon receipt of Petitioner's travel dates, this Court will dissolve this order's travel and passport provisions with respect to Petitioner only so that he may return to Mexico for employment obligations.

It is ORDERED that Petitioner and Respondent ensure that the children, DANIELA LIZETH JIMENÉZ PONCE and ANA VIOLETA JIMENÉZ PONCE, remain within the Eastern District of Michigan.

It is ORDERED that the parties continue to abide by the Order for Interim Parenting Time entered on November 12, 2019 (ECF No. 17.)

It is ORDERED that the parties appear for an evidentiary hearing at 10:00 AM on Tuesday, November 19, 2019. Respondent may submit briefing by 10:00 AM on Monday, November 18 addressing Petitioner's *prima facie* case and any affirmative defenses under the Hague

Convention. Petitioner may submit responsive briefing of no more than 10 pages by Tuesday, November 19 at 9:00AM.

IT IS SO ORDERED.

Dated: November 13, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 13, 2019.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager